IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 27811 of 2006(J)

PETITIONER:

1. JAGATHAMMA BHASKARAN, W/O. LATE KUNJU BHASKARAN, ANCHUTHAIVELIYIL HOUSE, VATTAYAL P.O., ALAPPUZHA.

2. B.SAIJU, S/O. LATE KUNJU BHASKARAN, ANCHUTHAIVELIYIL HOUSE, VATTAYAL P.O., ALAPPUZHA.

3. HARSHAN, S/O. LATE KUNJU BHASKARAN, ANCHUTHAIVELIYIL HOUSE, VATTAYAL P.O., ALAPPUZHA.

4. BIJU, S/O. LATE KUNJU BHASKARAN, ANCHUTHAIVELIYIL HOUSE, VATTAYAL P.O., ALAPPUZHA.

5. SAJAN BHASKARAN, S/O. LATE KUNJU BHASKARAN, ANCHUTHAIVELIYIL HOUSE, VATTAYAL P.O., ALAPPUZHA.

BY ADV. SRI.K.K.BABU

RESPONDENTS:

1. THE WELFARE FUND INSPECTOR, KERALA TODDY WORKERS WELFARE FUND BOARD, ALAPPUZHA.

2. THE TAHSILDAR (R.R.), AMBALAPUZHA TALUK, ALAPPUZHA DISTRICT.

BY SRI.K.HARILAL, SC
G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 JUDGMENT DT 21.6.05 IN OP.11991/95.

P2 NOTICE DT 27.8.04 ISSUED BY R2.

P3 RECEIPT DT 25.4.05 ISSUED BY R2.

P4 STATEMENT DT 6.3.06 ISSUED BY R1.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 27811 OF 2006 J

Dated this the 7th day of December, 2006

J U D G M E N T

Prayer in the writ petition is for permission to the petitioners to sell the attached property and settle the arrears of toddy workers' welfare fund dues.

2. I have heard the counsel appearing for the 1st respondent, who stated that the liability is above Rs.8.8 lakhs.

Writ petition is disposed of directing 2nd respondent to withhold the recovery proceedings for sale for a period of two months from today. In between petitioners are free to negotiate for sale of attached property and can enter into agreement for sale. However, sale deed will be executed only after arrears due to the 1st respondent are cleared and after 2nd respondent issues clearance certificate. No collection charges will be recovered from the petitioners if petitioners clear liability voluntarily by sale of property or otherwise. If petitioners fail to clear the arrears in two months from now, the 2nd respondent will continue further proceedings for recovery.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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